D.B. CIVIL SPECIAL APPEAL(W)NO.772/2004

Kailash Chandra
Vs.
Union of India & Ors.

Date of Order :: 13-09-2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri J.P. Joshi, for the appellant.
Shri Sandeep Shah, for the respondent.

This special appeal is directed against the order of learned Single Judge dismissing the writ petition of the appellant. The appellant had filed writ petition challenging the award of the Labour Court, Bhilwara. The Labour Court held on the basis of record that the appellant had worked for only 202 days during the relevant period between November 1987 to June 1988. The case of the appellant is that he had worked for 27 days in August, 1988. The Labour Court found that in the month of August, one Kailash Chandra S/o Lalu Ram had worked for 15 days at the rate of Rs.14 per day and was paid Rs.210/- as remuneration. The appellant is Kailash Chandra S/o Pyara Mali. It is relevant to mention here that Kailash Chandra S/o Lalu Ram pledged on his oath as witness to support the case of the management that he had worked during that period and had been paid remuneration. That in our

opinion, concludes the matter against the appellant. Counsel submitted that number of days was worked out excluding sundays and holidays. There is nothing on record to suggest that sundays/holidays were not counted and it is difficult to accept such a bald and omnibus submission. We are of the view that the dispute is concluded by findings of fact and there is no scope for interference.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. [S.N.JHA],CJ.

Praveen